

REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and in light of the following remarks and discussion.

Claims 1-63 are pending in the application, although claims 4, 6-13, 17, 19-24, 28, 29, 36-38, 49, 50 and 53-55 are withdrawn from consideration. Claims 1, 39 and 47 are amended. Support for the changes to the claims is self-evident from the originally filed disclosure, including the original claims, and therefore no new matter is added.

In the Office Action the drawings are objected to under 37 C.F.R. § 1.83(a). In response, it is submitted that a non-limiting example of the claimed retaining element, as recited in claim 30, is illustrated in Figure 32. As discussed in paragraph [0115] of the originally filed specification, a bridge of material 50 holds a break-off portion 22 of an applicator. It is therefore requested that the objection to the drawings be withdrawn.

Claim 39 is objected to because of informalities. In response, the claim is amended to recite "box" in place of the previous recitation of "boxes," in accordance with the Examiner's helpful suggestion. It is therefore requested that the objection to claim 39 be withdrawn.

In the Office Action claims 1-3, 5, 14-16, 18, 25-27, 30-34, 40-48, 51, 52 and 57-63 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,757,782 to Aiken in view of U.S. Patent No. 5,702,035 to Tsao. Claims 35, 39 and 56 appear to be rejected under 35 U.S.C. § 103(a) as being unpatentable over Aiken in view of Tsao, and further in view of U.S. Patent No. 5,996,780 to Gurrera. It is requested that the rejections of the claims be withdrawn, and that the claims be allowed, for the following reasons.

The present invention, as set forth in independent claim 1, is directed to an applicator. Specifically, independent claim 1 recites a tube having a first end. A plug is disposed inside the tube. The plug is at least one of a liquid and a powder. A first substance is contained in

an inside space of the tube. A first end of the inside space is defined by the plug, the plug being arranged, in use, to be expelled together with the first substance when it leaves the inside space of the tube by the first end of the tube. A second substance is adjacent the first end or expelled from the tube at the first end of the tube. The second substance is different from the first substance and is dissociated therefrom prior to use.

Aiken describes a swab applicator including a tube member 12 provided at both axial ends by rupturable elements 16 entirely encased with a swab member 18 wound or secured to the tube ends.

In the embodiment shown in Figure 3 of Aiken, the tube member 12 is subdivided in an axial direction by an internal sealing plug 22 so that two different liquids or the same liquid may be stored on either side of the plug 22 in two sub chambers or compartments 24. Each liquid in each sub chamber or compartment 24 may be discharged to the outside by rupturing the corresponding sealing membrane 16 on each side or end of the tube member 12.

Thus, it is submitted that Aiken does not disclose or render obvious the claimed features of an applicator in which a second substance is adjacent a first end of a tube or expelled from the tube at the first end of the tube, the first end being the end by which a first substance leaves the tube, as recited in independent claim 1.

Although the Office Action relies on Tsao to remedy the deficiencies of Aiken, it is submitted that Tsao also does not disclose or render obvious the above-discussed features recited in independent claim 1. Rather, Tsao discloses a tubular container containing a single product.

For the above reasons it is requested that the rejection of independent claim 1 be withdrawn, and that independent claim 1 be allowed.

Independent claim 47 is allowable for reasons similar to those discussed above with respect to independent claim 1. The allowance of independent claim 47 is therefore requested.

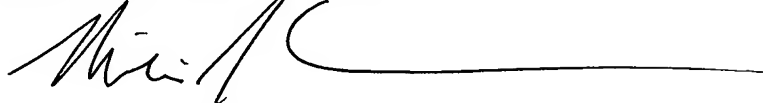
Claims 2-46 and 48-63 are allowable for the same reasons as independent claims 1 and 47 from which they depend, as well as for their own features. The allowance of dependent claims 2-46 and 48-63 is therefore requested.

Consequently, for the reasons discussed in detail above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below listed telephone number.

Respectfully submitted,

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